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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar AGUSTIN HERNANDEZ Deputy Trial Counsel State Bar of California 1149 South Hill Street Los Angeles, CA 90015-2299 (213) 765-1713 Bar # 161625	Case Number(s): 13-J-10039-RAP; 12-O-15876 (inv)	For Court use only <div style="text-align: center;"> FILED MAY 15 2013 <i>HC</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
In Pro Per Respondent GREGORY TAYLOR HIGHNOTE 501 West Broadway, Suite 510 San Diego, CA 92101 (619) 233-4415 Bar # 144627	<div style="font-size: 2em; font-weight: bold;">PUBLIC MATTER</div>	
In the Matter of: GREGORY TAYLOR HIGHNOTE Bar # 144627 A Member of the State Bar of California (Respondent)	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 18, 1989.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 13 pages, not including the order.

(Effective January 1, 2011)

ASD
4/19/13



- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - ☐ Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - ☒ Costs are to be paid in equal amounts prior to February 1 for the following membership years: three billing cycles following the effective date of the Supreme Court order. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - ☐ Costs are entirely waived.

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) ☒ **Prior record of discipline** [see standard 1.2(f)]
 - (a) ☒ State Bar Court case # of prior case 94-C-11468; 94-C-12329
 - (b) ☒ Date prior discipline effective July 14, 1995.
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: Respondent stipulated that the facts and circumstances surrounding two convictions for violating Vehicle Code section 23152(a) involved moral turpitude because he violated the terms of his criminal probation and then falsified AA attendance sheets and submitted them to the court. (See Attachment, Page 10.)
 - (d) ☒ Degree of prior discipline : 15-month stayed suspension with 60 days of actual suspension and three years of probation.
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.

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- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. (See attachment, Page 10.)
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ on in restitution to without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.

- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

See Attachment Page 10.

D. Discipline:

- (1) ☒ **Stayed Suspension:**
- (a) ☒ Respondent must be suspended from the practice of law for a period of one year.
- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:
- (b) ☒ The above-referenced suspension is stayed.
- (2) ☒ **Probation:**
- Respondent must be placed on probation for a period of two years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)
- (3) ☒ **Actual Suspension:**
- (a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of 90 days.
- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:

E. Additional Conditions of Probation:

- (1) ☐ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
☐ No Ethics School recommended. Reason: .
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☐ The following conditions are attached hereto and incorporated:

- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- ☐ No MPRE recommended. Reason:
- (2) ☒ **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) ☐ **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) ☐ **Other Conditions:**

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STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

GREGORY TAYLOR HIGHNOTE

13-J-10039-RAP; 12-O-15876 (inv)

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

PROCEDURAL BACKGROUND IN OTHER JURISDICTION:

1. On October 31, 2006, Respondent was admitted to the practice law in the State of Hawaii.
2. On February 15, 2012, a Formal Hearing was held at the Disciplinary Board of the Hawaii Supreme Court - Hawaii Office of Disciplinary Counsel concerning allegations of misconduct by Respondent.
3. On September 24, 2012 the Supreme Court of the State of Hawaii ordered that Respondent be disciplined upon findings that Respondent had committed professional misconduct in that jurisdiction in violation of Hawaii Rules of Professional Conduct. The Supreme Court of the State of Hawaii ordered that Respondent be suspended from the practice of law for sixty days. Thereafter, the decision of the foreign jurisdiction became final.
4. The disciplinary proceeding in the other jurisdiction provided fundamental constitutional protection.

5. On March 13, 2007, Somsamai Packard ("Packard") employed Respondent to represent her in a marital dissolution matter. On this date, Packard provided Respondent with various original documents.

- 7

9. On October 10, 2008, Zamber and Packard spoke with Respondent on the telephone and told Respondent that Zamber would be substituting in as attorney of record for Packard.

10. On October 13, 2008, Zamber sent a substitution of attorney to Respondent via e-mail asking him to sign it and return it to Zamber. Respondent replied to Zamber that he would comply with the request. Respondent however, did not return a signed substitution of attorney to Zamber.

11. Between November 4, 2008 and December 10, 2008, Zamber sent three additional e-mails to Respondent requesting that Respondent provide Zamber with Packard's client file and a signed substitution of attorney. Respondent received the emails but did not reply or comply with these requests.

12. Between March 13, 2009, and October 26, 2009, a representative of the Office of Disciplinary Counsel sent six letters to Respondent and left three telephone messages asking him to respond to a complaint filed by Packard and to call the Office of Disciplinary Counsel. Respondent received the letters and messages. Respondent failed to respond to any of these letters and messages.

13. On June 14, 2011, the Office of Disciplinary Counsel filed a Petition for discipline against Respondent. The Petition was served on Respondent. Respondent received the Petition but did not file an answer to the Petition.

14. On November 4, 2011, Respondent was served with notice that a Prehearing Conference was scheduled for November 29, 2011. Respondent received the notice.

15. On November 29, 2011, Respondent failed to appear at the Prehearing Conference. On this date, the Formal Hearing was scheduled for February 15, 2012. On November 29, 2011, Respondent was served with notice of the February 15, 2012 Formal Hearing. Respondent received the notice.

16. On February 14, 2012, Respondent sent a facsimile to the Office of Disciplinary Counsel. In this letter, Respondent said that he had just found Packard's file and had forwarded it to her. Respondent apologized for his actions and stated, "I consent to whatever discipline or action ODC deems appropriate."

17. On February 15, 2012, a Formal Hearing was held at the Office of Disciplinary Counsel. Respondent and other witnesses testified during the Formal Hearing.

CONCLUSIONS OF LAW:

18. As a matter of law, Respondent's culpability of professional misconduct determined in the proceeding in Hawaii warrants the imposition of discipline under the laws and rules binding upon Respondent in the State of California at the time Respondent committed the misconduct in the other jurisdiction, pursuant to Business and Professions Code section 6049.1, subdivision (a).

Case No. 12-O-15876 (inv) (Complainant: Christina Geraci)

FACTS:

19. Effective July 3, 2012, Respondent was placed on not entitled status and unable to practice law as a result of his failure to comply with the State Bar's Minimum Continuing Legal Education

("MCLE") requirements. Respondent remained enrolled on not entitled status until August 1, 2012, when he complied with his MCLE requirements.

20. At all relevant times, Respondent was aware that effective July 3, 2012, he was enrolled on not entitled status effective.

21. At all relevant times, the law firm that Respondent was employed in represented the debtors in a matter pending in the United States Bankruptcy Court entitled *In re Donald Swift McCraig and Dhyana Louis McCraig*, Case No. 12-07095-MM13 ("McCraig matter").

22. In early July 2012, when Respondent was not entitled to practice law, Respondent engaged in settlement negotiations on the telephone with opposing counsel in the McCraig matter.

23. On July 5, 2012, when Respondent was not entitled to practice law, Respondent sent an e-mail to opposing counsel regarding settlement of the McCraig matter.

24. On July 26, 2012, when Respondent was not entitled to practice law, Respondent prepared, signed and filed with the court a declaration in support of a motion for a finding of a violation of the automatic stay on behalf of the McCraig's in the McCraig matter.

25. On July 30, 2012, when Respondent was not entitled to practice law, Respondent appeared in court for the hearing on the motion for a finding of a violation of the automatic stay on behalf of the McCraig's.

26. Respondent's telephonic settlement negotiations; e-mail to opposing counsel; preparation, signing and filing of the declaration; and appearing in court on the hearing on the motion constitute the practice of law.

27. When Respondent engaged telephonic settlement negotiations; sent an email to opposing counsel; prepared, signed and filed the declaration; and appeared in court on the hearing on the motion, Respondent knew that he was not entitled to practice law and knowingly practiced law while he was not entitled to practice law.

28. At no time during the time that Respondent was not entitled to practice law did he inform opposing counsel or the court that he was not entitled to practice law from July 3, 2012, through August 1, 2012.

29. By participating in telephonic settlement negotiations; sending an email to opposing counsel; preparing, signing and filing the declaration; and appearing in court on the hearing on the motion, without disclosing that he was not entitled to practice law, Respondent implied to opposing counsel and the court that he was entitled to practice law when he was not entitled to practice law.

CONCLUSIONS OF LAW:

30. By engaging in acts constituting the practice of law while he was not entitled to practice law, Respondent held himself out as entitled to practice law and actually practiced law when he was not entitled to do so, in willful violation of Business and Professions Code sections 6125 and 6126, and thereby failed to support the Constitution and laws of the United States and of this state in willful violation of Business and Professions Code, section 6068(a).

31. By knowingly practicing law when Respondent knew that he was not entitled to practice law, and by implying to opposing counsel and the court that he was entitled to practice law when he was not entitled to practice law, Respondent committed acts involving moral turpitude, dishonesty or corruption, in willful violation of Business and Professions Code section 6106.

ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.2(b)(i)): Effective July 14, 1995, the California Supreme Court ordered that Respondent be suspended from the practice of law in California for fifteen months, that execution of the suspension be stayed, and that he be placed on probation for three years subject to certain conditions, including a sixty-day actual suspension. The discipline resulted from Respondent's misconduct in case numbers 94-C-11468 and 94-C-12329. Respondent stipulated that the facts and circumstances surrounding two convictions for violating Vehicle Code section 23152(a) involved moral turpitude because he violated the terms of his criminal probation and then falsified Alcoholics Anonymous attendance sheets and submitted them to the court. Respondent's misconduct occurred between January 16, 1994 and August 4, 1994.

Multiple Acts of Misconduct (Std. 1.2(b)(ii)): Respondent committed multiple acts of misconduct in two separate client matters consisting of five acts of misconduct in California plus the additional acts of misconduct committed in the State of Hawaii.

ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

Pre-trial Stipulation: Respondent is entitled to mitigation for entering into a full stipulation to resolve this matter prior to trial, thereby preserving State Bar Court time and resources. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 50.) However, the mitigating weight given to Respondent's cooperation in entering into this stipulation is tempered by Respondent's failure to participate in the investigation conducted by the Office of Disciplinary Counsel in the Packard matter.

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct provide a "process of fixing discipline" pursuant to a set of written principles to "better discharge the purposes of attorney discipline as announced by the Supreme Court." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Introduction (all further references to standards are to this source).) The primary purposes of disciplinary proceedings and of the sanctions imposed are "the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession." (*In re Morse* (1995) 11 Cal.4th 184, 205; std. 1.3.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) Any discipline recommendation different from

that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

Respondent admits that he committed five acts of professional misconduct in California and additional misconduct in the State of Hawaii. Standard 1.6 (a) requires that where a Respondent acknowledges two or more acts of misconduct, and different sanctions are prescribed by the standards that apply to those acts, the sanction imposed shall be the more or most severe prescribed in the applicable standards.

The most severe sanction applicable to Respondent's misconduct is found in standard 2.3, which applies to Respondent's violations of Business and Professions Code section 6106 for the moral turpitude associated with Respondent's unauthorized practice of law.

Standard 2.3 provides that culpability of an act of moral turpitude, fraud, intentional dishonesty or concealment of a material fact to a court, client or another person shall result in actual suspension or disbarment depending upon the extent to which the victim of the misconduct is harmed or misled and depending upon the magnitude of the act of misconduct and the degree to which it relates to the member's acts within the practice of law.

In the instant case, Respondent's most serious misconduct is that he knowingly engaged in the unauthorized practice of law and that he implied to the court and opposing counsel that he was entitled to practice law when he was not. This misconduct in and of itself requires actual suspension pursuant to standard 2.3. However, it is important to note that prior to the State Bar contacting Respondent, in August 2012, Respondent contacted the McCraigs and informed them that he had not been entitled to practice law from July 3, 2012, through August 1, 2012. Respondent also waived \$6,937.50 in attorney fees that were incurred by the firm during the time that he was not entitled to practice law. The fees were advanced by the McCraigs prior to Respondent becoming ineligible to practice law. On August 28, 2012, the Bankruptcy Court issued an order finding that Respondent's representation during the time that he was not entitled to practice law did not affect the debtors' case and permitted Respondent to continue representing them.

In this matter, standard 1.7(a) must also be considered in determining the appropriate level of discipline. Standard 1.7(a) provides for progressive discipline when a member has a prior imposition of discipline unless the prior discipline was remote in time and the prior misconduct was minimal in severity. Respondent's prior misconduct involved moral turpitude and was not minimal in severity. Accordingly, the discipline in the instant case should be greater than the 15-month stayed suspension, 60 days of actual suspension and three years of probation imposed in Respondent's prior disciplinary matter.

Therefore, based on the facts, aggravating and mitigating circumstances, standards, and Respondent's prior imposition of a 60-day actual suspension, discipline consisting of a one-year stayed suspension and two years of probation subject to certain conditions, including a 90-day actual suspension, is sufficient to protect the public, the courts and the integrity of the legal profession.

A 90-day actual suspension is also consistent with case law. *In the Matter of Wells*, a member received a two-year stayed suspension, with six months of actual suspension and two years of probation for engaging in the unauthorized practice of law. The misconduct in *Wells* however, was more egregious than the misconduct in the instant matter. Wells moved to South Carolina where she represented at least nine clients during the approximately five years that she lived there. The letterhead that Wells utilized

did not indicate that she was not licensed in South Carolina or that she was licensed only in California. In some letters, her name was followed by "Esquire." She listed herself as "attny" in a local phone book. Wells also misrepresented to the State Bar of California that she did not practice law in South Carolina. She also made misrepresentations to the South Carolina deputy solicitor general by understating the extent of her practice of law in that state and how long she had lived there. The court found that Wells violated rules 1-300(B) (practicing in a jurisdiction where not licensed) (two counts), 4-200(A) (charging an illegal fee) (two counts), 3-700(D)(2) (failure to refund unearned fees) (two counts), and 4-100(A) (failure to maintain funds in trust), Rules of Professional Conduct, and Business and Professions Code section 6106 (misrepresentations). Wells also had a prior imposition of a private reproof. (*In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896).

PENDING PROCEEDINGS.

The disclosure date referred to on page 2, paragraph A(7), was April 17, 2013.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of April 18, 2013, the prosecution costs in this matter are \$3,349. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

EXCLUSION FROM MCLE CREDIT

Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School, and/or any other educational course(s) to be ordered as a condition of suspension. (Rules Proc. of State Bar, rule 3201.)

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(Do not write above this line.)

In the Matter of:
GREGORY TAYLOR HIGHNOTE

Case Number(s):
13-J-10039-RAP;
12-O-15876 (inv)

ACTUAL SUSPENSION ORDER


Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☒ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Date

5/14/13


RICHARD A. HONN
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on May 15, 2013, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND
ORDER APPROVING

in a sealed envelope for collection and mailing on that date as follows:

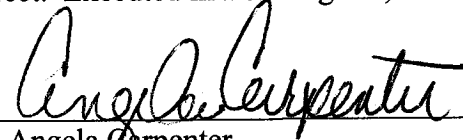
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

GREGORY T. HIGHNOTE
501 W BROADWAY STE 510
SAN DIEGO, CA 92101

- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

AGUSTIN HERNANDEZ, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 15, 2013.



Angela Carpenter
Case Administrator
State Bar Court